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Attorneys for Defendants CITY OF LOS ANGELES and WILLIAM J. BRATTON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LATONYA MCINTYRE, individually
and on behalf of all others similarly
situated;

Plaintiffs,

v.

CITY OF LOS ANGELES, WILLIAM
BRATTON AND DOE DEFENDANTS
1 THROUGH 10, INCLUSIVE,

Defendants.

CASE NO. CV08-07154 AHM (AJWx)
Honorable: A. Howard Matz
Magistrate: Andrew J. Wistrich

**STIPULATION AND PROTECTIVE
ORDER**

**FOR CONSIDERATION BY THE
HONORABLE ANDREW J.
WISTRICH**

Whereas Plaintiff has requested confidential documents from Defendants, and the parties having met and conferred, seek to avoid burdening the Court with unnecessary motions, and whereas the parties agree the release of certain documents may assist in resolving this matter, the parties have stipulated to the terms and conditions outlined below in the proposed order.

Therefore, in accordance with the stipulation of the parties, the Court hereby orders as follows:

1. The parties may designate as confidential the LAPD Latent Print Re-

1 Evaluation Audit Report, which Defendants believe might contain information of a
2 privileged, confidential, private or sensitive nature, and the public dissemination of which
3 Defendants believe jeopardize compelling interests in preserving the integrity of the Los
4 Angeles Police Department's internal investigations, by facilitating accurate and thorough
5 self-critical investigations by the Los Angeles Police Department without the fear of having
6 information used against its employees in court, by affixing to such document or writing a
7 legend, such as "Confidential," "Confidential Documents," "Confidential Material,"
8 "Subject to Protective Order" or words of similar effect. The category of documents and
9 other tangible things so designated, and all information derived therefrom (hereinafter,
10 collectively, "Confidential Information"), shall be treated in accordance with the terms of this
11 stipulation.

12 2. Confidential Information may be used by the persons receiving such
13 information only for the purpose of this litigation.

14 3. Subject to the further conditions imposed by this stipulation, Confidential
15 Information may be disclosed only to the following persons:

16 (a) Counsel for the parties and to experts, investigators, paralegal
17 assistants, office clerks, secretaries and other such personnel working under their
18 supervision;

19 (b) The Plaintiff in this action;

20 (c) Such other parties as may be agreed by written stipulation among
21 the parties hereto.

22 4. Prior to the disclosure of any Confidential Information to any person
23 described in paragraph 3(a), 3(b) or 3(c), counsel for the party that has received and seeks to
24 use or disclose such Confidential Information shall first provide any such person with a copy
25 of this stipulation, and shall cause him or her to execute, on a second copy which counsel
26 shall thereafter serve on the other party the following acknowledgment:
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1 “I understand that I am being given access to Confidential
2 Information pursuant to the foregoing stipulation and order.
3 I have read the Order and agree to be bound by its terms
4 with respect to the handling, use and disclosure of such
5 Confidential Information.

6 Dated: _____/s/ _____”

7 5. Upon the final termination of this litigation, including any appeal
8 pertaining thereto, all Confidential Information and all copies thereof shall be returned to the
9 Defendants, except as to Court personnel. All Confidential Information disclosed to any
10 person or party pursuant to any provision hereof also shall be returned to the Defendants.

11 6. If any party who receives Confidential Information receives a subpoena
12 or other request seeking Confidential Information, he, she or it shall immediately give written
13 notice to the Defendants’ counsel, identifying the Confidential Information sought and the
14 time in which production or other disclosure is required, and shall object to the request or
15 subpoena on the grounds of this stipulation so as to afford the Defendants an opportunity to
16 obtain an order barring production or other disclosure, or to otherwise respond to the
17 subpoena or other request for production or disclosure of Confidential Material. Other than
18 objecting on the grounds of this stipulation, no party shall be obligated to seek an order
19 barring production of Confidential Information, which obligation shall be borne by the
20 Defendants. However, in no event should production or disclosure be made without written
21 notice to Defendants’ counsel unless required by court order after serving written notice to
22 Defendants’ counsel.

23 7. When filing any pleadings, motions, briefs, declarations, stipulations,
24 exhibits or other written submissions to the Court in this litigation, and portions thereof which
25 contain, reflect, incorporate or refer to Confidential Information shall be filed under seal, after
26 written application to the Court made pursuant to Local Rule 79-5. If the Court approves the
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1 application to file the documents under seal, the original and judge's copy of the document
2 shall be sealed in separate envelopes with a title page affixed to the outside of each envelope.
3 No sealed or confidential record of the Court maintained by the Clerk shall be disclosed
4 except upon written order of the Court.

5 8. Counsel for the parties hereto agree to request that any motions,
6 applications or other pre-trial proceedings which could entail the discussion or disclosure of
7 Confidential Information be heard by the Court outside the presence of the jury, unless having
8 heard from counsel, the Court orders otherwise. Counsel for the parties further agree that
9 during any portion of the trial of this action which could entail the discussion or disclosure
10 of Confidential Information, they will request that access to the courtroom be limited to
11 parties, their counsel and other designated representative, experts or consultants who agree
12 to be bound by this stipulation, and court personnel, unless having heard from counsel, the
13 Court orders otherwise.

14 9. Nothing herein shall prejudice any party's rights to object to the
15 introduction of any Confidential Information into evidence, on grounds including but not
16 limited to relevance and privilege.

17 10. This Protective Order survives settlement, trial and/or appeal.
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19 ***IT IS SO STIPULATED:***

20 DATED: January 20, 2010

21 **CARMEN A. TRUTANICH, City Attorney**
22 **MICHAEL L. CLAESSENS, Managing Asst. City Attorney**
23 **CORY M. BRENT, Assistant City Attorney**

24 By /s/
25 **RENA M. SHAHANDEH**
26 Deputy City Attorney
27 Attorneys for Defendants CITY OF LOS ANGELES and
28 LOS ANGELES POLICE DEPARTMENT

1
2 DATED: January 20, 2010

3 **MORENO & PEREZ**

4 /s/

5 By

6 **HERMEZ MORENO**

FRANK PEREZ

7 **RICHARD T. COPELAND**

Attorneys for Plaintiffs LATONYA MCINTYRE,
individually and on behalf of all others similarly situated

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10 **ORDER**

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12 ***IT IS SO ORDERED.***

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14 DATED: 1/21/2010

_____/s/_____
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HONORABLE ANDREW J. WISTRICH
UNITED STATES MAGISTRATE JUDGE
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